

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

Monday, April 27, 2020

6:30 PM

Remote Meeting via Zoom

Members Present:

Douglas Barrett, Chairman
Chris Cusack, Vice-Chair
Michael Burke
Councilor Michael Remy
Andrew Weglinski
Mayor George Hansel
Pamela Russell Slack
David Orgaz
Gail Sommers

Staff Present:

Rhett Lamb, Asst. City
Manager/Community Development
Director
Tara Kessler, Senior Planner
Mari Brunner, Planner

Members Not Present:

I. Call to Order – Roll Call

Chair Barrett called the meeting to order at 6:30 PM and roll call was taken.

II. Minutes of Previous Meeting – April 1, 2020 Meeting

A motion was made by Mayor George Hansel to accept the April 1, 2020 meeting minutes. The motion was seconded by Pamela Russell Slack and was unanimously approved by roll call vote

III. Public Hearings:

S-11-13 Modification #1 – Subdivision – 0 Old Walpole Road – Applicant Cardinal Surveying and Land Planning, on behalf of owners, Virgil and Terry Copple, proposes to modify the subdivision plan for a 3-lot subdivision approved in 2013, by removing from the plan the note stating “proposed building area” on the 1.75-acre parcel (TMP# 506-064-000). The property is in the Low Density District.

A. Board Determination of Completeness.

Senior Planner Mari Brunner addressed the Board and stated the applicant has requested exemptions from providing a grading plan, landscaping plan, lighting plan, drainage

report, traffic report, and soils report as no development is proposed at this time. Staff has determined that the requested exemptions have no bearing on the merits of the application and recommend granting these exemptions and accepting the application as complete.

A motion was made by Mayor George Hansel that the Board accept this application as complete. The motion was seconded by Pamela Russell Slack and was unanimously approved by roll call vote.

B. Public Hearing

Wendy Pelletier of Cardinal Surveying addressed the Board and stated this subdivision was approved in 2013. This property is located on Old Walpole Road (area shown in yellow on the plan) and the existing subdivision plan has a label designating a building area. The property owner would like to remove this label as part of this application. Ms. Pelletier noted that the property has enough width/available land area to accommodate development. She referred to a plan, which showed where the precautionary slopes are located. She noted that the current hillside regulations would allow the owner or future owner to impact less than 20,000 square feet of precautionary slopes. The area outlined in orange on her presentation slide is 15,500 square feet. Prohibitive slopes, which are slopes over 25% in grade, are shown in red on the presentation slide and would not be permitted to be built on. The rear of the property has wetlands. The green area shown on the slide is the 30-foot surface water protection buffer setback, which cannot be impacted unless a conditional use permit is obtained. Ms. Pelletier noted the green and red areas cannot be impacted upon without either a variance or approval from the Planning Board, but the orange area can be built on without permission if less than 20,000 sf of precautionary slopes are impacted. Ms. Pelletier stated what the applicant is requesting is to remove the building area to allow future buyers more freedom to build. She noted there is no requirement to show the building area on the plan.

Chair Barrett asked why the building area was included in the plan from 2013. Ms. Pelletier recalled she had included this on the plan to perhaps show the 70-foot wide area at the building line – to show there was sufficient area to build without impacting the slopes.

Staff comments were next. Ms. Brunner addressed the Board and noted when this plan came before the Board in 2013 the building area was already shown on the plan. She noted in reviewing the minutes from 2013, what she learned was that staff at that time had asked for steep slopes and wetlands to be shown on the plan to demonstrate there was a buildable area. Ms. Brunner noted the building area was not specifically requested but added Ms. Pelletier's recollection is correct in that she added that area on the plan.

The request before the Board is to remove this building area from the plan so that someone could have more options for building on the lot. Ms. Brunner noted there were no comments on this application from Fire, Police, Engineering, or Code Enforcement staff.

Ms. Brunner presented on the development standards relative to the application.

With respect to Hillside Protection, Ms. Brunner noted that there is a total of 22,595 square feet of steep slopes, of which 15,510 square feet are precautionary slopes and 7,085 square feet are of prohibitive slopes (greater than 25% grade). The Hillside Protection Ordinance allows for certain activities to occur within precautionary slope areas by right, provided that these activities do not impact more than 20,000 square feet of area. The activities that are subject to the 20,000 square feet limitation include construction of a single-family dwelling, construction of accessory buildings, construction of a driveway, and construction of a road. As the application pointed out there is less than 20,000 square feet of precautionary slopes on this site, so they will be able to develop on the precautionary slope area if the building area designation is removed. The Applicant included a note on the plan to alert potential owners that work within the precautionary and prohibitive slope areas will need to comply with the Hillside Protection Ordinance.

With respect to Flooding, Ms. Brunner noted that no part of this site is located in the floodplain and hence this standard is not applicable.

With respect to Sewer and Water, Ms. Brunner noted that this site has access to City sewer and water from Old Walpole Road. The Applicant included a note on the plan (see Note #11) to alert potential future owners that permits will be required from the City of Keene Public Works Department for sewer and water connections. Due to the property elevations relative to the city sewer line there is a note included on the plan that private on-site sewer ejector pumps may be needed to access City sewer lines. Back in 2013, this note was added due to comments from Engineering.

With respect to Comprehensive Access Management, Ms. Brunner noted that no new driveways are proposed at this time; however, the applicant included a note on the plan to alert potential owners that a driveway permit will need to be obtained from the City of Keene Public Works Department prior to construction.

With respect to Wetlands & Surface Waters, Ms. Brunner noted that wetlands are present on the 1.75-acre lot, towards the rear of the lot. This wetland area was delineated by a NH certified wetland scientist in August 2013. The proposed subdivision plan also shows the 30-foot surface water protection buffer, and includes a note, which states, "City permits and approvals will be necessary for any work within the surface water protection overlay buffer". However, the wetland buffer would not need to be crossed or otherwise disturbed in order to develop on the portion of the lot.

This concluded staff comments.

The Chairman asked for public comment, with no comment from the public the Chairman closed the public hearing.

Mr. Weglinski noted he was having technical issues and might have to abstain from the vote. Mr. Lamb stated rules do not permit abstaining and stated all members involved in a public hearing will need to cast a vote. The Chairman indicated to Mr. Welingski should he need any clarification on any of the items discussed he could have the applicant or staff address them again. Mr. Weglinski stated he felt he was equipped to vote.

C. Board Discussion and Action

A motion was made by Mayor George Hansel that the Planning Board approve S-11-13 Modification #1, as shown on the plan identified as “3-Lot Subdivision Revised, Map 506 Lots 062, 063, & 064, 102 Old Walpole Road, Keene, NH 03431” prepared by Cardinal Surveying & Land Planning at a scale of 1 inch = 40 feet and dated March 20, 2020 with the following conditions prior to signature by Planning Board Chair:

1. Owner’s signature appears on plan.

The motion was seconded by Pamela Russell Slack and was unanimously approved by roll call vote.

SPR 03-17 Modification #3 – Site Plan – 17 Bradco Street – Branch and Blade Outdoor Pavilion and Stage – Applicant Branch and Blade Brewing, on behalf of owners, Tremac Development, propose the installation of a 2,560 sf outdoor pavilion and 560 sf performance stage in the northeast portion of the site, to the rear of the existing building. The site is 6.98- acres and is located in the Industrial District (TMP#s 116-002-000). A waiver is requested from Development Standard 10, Lighting.

A. Board Determination of Completeness.

Senior Planner Tara Kessler addressed the Board and stated applicant has requested exemptions from providing a landscaping plan. Staff has determined that the requested exemptions have no bearing on the merits of the application and recommend granting these exemptions and accepting the application as complete.

A motion was made by Mayor George Hansel that the Board accept this application as complete. The motion was seconded by Pamela Russell Slack and was unanimously approved by roll call vote.

B. Public Hearing

Mr. David Bergeron addressed the Board and stated the request is to construct a freestanding pavilion and building outside the existing building to use for outdoor events on the weekend for Branch and Blade Brewing. He referred to a plan, which referred to this site located at 17 Bradco Street (6.98 acres in size). The rear of this property is undeveloped and extends to Ash Swamp Brook.

Mr. Bergeron referred to the gravel parking area and noted the proposal is to construct the pavilion and stage in this area. Mr. Bergeron noted an area on the plan outlined in blue and stated this area is in the 100-year flood plain, which follows Ash Swamp Brook. He indicated the applicant has a survey plan who have tied this area into the USGS Mapping for the Flood Map. The base flood elevation in this area is approximately 471.25' and the existing elevation of the area where the pavilion and stage are proposed range between 472' to 473.25'. He noted the applicant would be applying for a flood permit but was confident for the most part that they were above the 100-year floodplain elevation in the area they were going to construct.

Mr. Bergeron indicated back in the 1970's this area was used as a municipal landfill but the existing building was constructed outside of the landfill. Mr. Bergeron went on to say a soils test was conducted at this site to determine if construction can happen in this area and how deep the landfill is. He indicated they were able to dig through the landfill into the native soil at about six to eight feet deep. He noted that the structures would be constructed according to the recommendations from the geotechnical report.

He noted that there would be a grass area that is going to be installed around the stage and pavilion to provide for a nicer look. The area will also be surrounded by a post and rope detail fence – the purpose of the fence is to delineate and secure the area as they will be serving alcohol outside. The grassed area will help with drainage and reduce runoff from the property. There are also gravel infiltration strips being proposed around the pavilion to help infiltrate runoff from the roof of the structure.

Mr. Bergeron then referred to the four dumpsters on site, which are currently adjacent to where the stage will be located. The plan is to relocate the dumpsters to the side of the existing building in the northeast corner of the site and they will be screened and will have an enclosure around them.

He then referred to the lighting plan. The plan is to eliminate the need for light poles by having wall-mounted lights. The proposal is to install lighting on the proposed building and existing deck – the applicant feels the lighting being proposed will be sufficient to light the stage, parking areas existing building to the walkway. He referred to two existing decks and noted there will be lights on poles attached to these decks and well as lighting on the stage and pavilion.

Mr. Bergeron stated in order to sufficiently light the area but not have too many poles in the parking a waiver from the lighting standard is required. He went over the waiver criteria as follows:

a) *That granting the waiver will not be contrary to the spirit and intent of these Regulations;*

Mr. Bergeron stated the intent of this criteria is to provide lighting that is safe for pedestrian and vehicle travel through the site. The applicant feels higher light levels are required for the walkways as well as where cars are parked.

b) *That granting the waiver will not increase the potential for creating adverse impacts to abutters, the community or the environment; and*

Mr. Bergeron stated the proposed buildings are about 100 feet from the property line. There are no abutters visible and because of the trees that are located between this site and the abutters, the lighting would not have any impact on the abutters. The lights are also going to be full cut off fixtures,

c) *That granting the waiver has not been shown to diminish the property values of abutting properties.*

The light fixtures will be about 130 feet from the nearest property line and the applicant is using full cutoff dark sky compliant fixtures, so no abutting properties should be impacted by these lights.

d) *Consideration will also be given to whether strict conformity with the regulations or Development Standards would pose an unnecessary hardship to the applicant.*

Mr. Bergeron noted the area where the walkway is located is part of the parking lot, lower poles cannot be placed within the parking area, and larger poles will be required to light it efficiently.

Mr. Bergeron then talked about traffic. The first use this applicant is proposing the pavilion/stage for is small events during the week, such as local band concerts and releasing of new products. These types of events will happen on a regular basis. The second use would be bigger events a few times a year for which the applicant will be applying to the City for a special license. The special event license process from the City will review things like traffic impacts and pedestrian/vehicle safety for these larger events. The traffic analysis that was conducted for this site plan did not take into account the larger event.

With the existing seating and with what can be accommodated outside – the seating of Branch and Blade will increase from about 130 to 190 on a weekly basis. He referred to a traffic plan and explained the first column is the existing use now, the second column would be with events held in the pavilion (Saturday afternoon or Friday evening), and the third column is the net change. The center column is the peak hour of traffic – 60 a day during the peak hour generator and during Saturday the generator would be about 42 trips per day. Mr. Bergeron stated what the traffic report looked at was what was happening on Winchester Street and when these activities are going to happen. The peak hour on Saturday for Winchester Street is between 11 am to 12pm, the applicant's events are after those hours, and hence the peak hours will not be impacted. The basic findings from this report is that the use of the facility will not impact the peak hour traffic on Winchester Street.

Mr. Bergeron then talked about parking. He noted there are about 212 parking spaces at this site. The existing brewery currently uses about 32 spaces and about 83 spaces on a Friday and 84 spaces on a Saturday. With the pavilion, the number is projected to increase to 51 between 143 spaces depending on the day of week / time of day. Mr. Bergeron felt there was sufficient parking spaces for the proposed use.

To access the area where the pavilion is going to be located, there will be a primary walkway from the brewery, across the parking lot into the fenced area. The walkway will be 14 feet wide and will be wide enough for vehicle access. He noted to a second ingress and egress that connects the pavilion area to the main parking lot.

The entrance into the property is not going to change at the end of Bradco Street. Mr. Bergeron then referred to an artist's rendering of the pavilion, which will be an open sided, timber frame structure with metal roofing. The stage will be a similar structure but closed on three sides, it will be raised up slightly than the elevation of the pavilion. This concluded Mr. Bergeron's comments.

Mr. Weglinski asked about the occupancy for the pavilion. Mr. Bergeron the applicant in consultation with the traffic engineer and in reviewing what the building can support with the existing facilities came up with the number of 193 –this number would be mostly for special events for which the applicant would get a permit from the city and additional facilities will be brought in.

Mr. Orgaz asked whether the two gas tanks will need to be protected in some way. Mr. Bergeron stated the plan is to keep them where they are, but there is a requirement that the building has to be 50 feet from the tanks.

Staff comments were next. Ms. Kessler referred to Drainage. She indicated the applicant did submit a Drainage Report stamped by a licensed engineer, which notes that drainage will be slightly reduced on site due to the installation of loam and seed in the area that is currently gravel.

With respect to Flooding, Ms. Kessler noted that the site is within the 100-year flood plain; however, the Applicant has noted that a topographic survey was done, which demonstrates the site is above the base flood elevation. She added that the Applicant will need to submit a Floodplain Permit application to demonstrate that the area is outside the base flood elevation. If this is deemed accurate, no compensatory storage would be required on site. She noted the applicant is aware of it and this item is a condition of approval.

Ms. Kessler stated the Zoning Ordinance has a standard that noise cannot exceed 70dba at the property line. Based on the proposed use of the area and it being outdoors, there is the chance this level might be exceeded periodically. She noted the nearest residential property to the applicant's site is within 500 feet (Magnolia Way). She noted the industrial uses in the area would not be affected by the activities at the site, which would mostly be after business hours. She also noted that if there were an exceedance, it would likely be intermittent.

She noted the dumpsters are going to be relocated to the northeast corner of the site and will not be visible from the parking area or from the pavilion. The dumpsters will be screened with fencing.

With respect to the shipping containers noted in the staff report which are used by the Department of Motor Vehicles (DMV) for motorcycle testing – it is unclear of the plans for these containers. A finding has been included regarding this item.

With respect to lighting, Ms. Kessler noted that the applicant is requesting a waiver specifically from the standard that states “*The average illumination level on a walkway or pathway surface shall not exceed 0.5 footcandles. Maximum lighting levels shall not exceed 2 footcandles.*” The current proposal has a maximum light level proposed of 2.6 footcandles and the standard limits this to 2 footcandles. The average light level being proposed for walkway is 1.5 and the standard is a maximum of 0.5 footcandles.

With respect to Comprehensive Access Management, Ms. Kessler noted that there are two walkways being proposed as part of this application. The Applicant has proposed installing an accessible path of travel that connects the pavilion to the main entrance of the brewery. The area between this pathway and the main entrance of the brewery would be striped as a crosswalk – this is the area that is being proposed for pedestrian traffic and having a higher level of lighting in this area might enhance safety of pedestrians.

With respect to Hazardous or Toxic Materials, Ms. Kessler noted that the applicant did indicate this was a former waste disposal facility. The Applicant has included a report from M&W Soils Engineering where test-pit investigations were done and it demonstrates that layers of solid waste was found. No toxic or hazardous materials were reported in the soils report.

With respect to traffic, Ms. Kessler noted that the applicant provided a letter prepared by Stephen G. Pernaw & Company, which indicates an increase of traffic because of the proposed use and during the peak hours there will be an increase between 42 – 60 trips over a one-hour period. Ms. Kessler noted engineering did not have a concern regarding the potential impact of larger event, but noted the special events the applicant is planning will be much different from the typical weekday event and would require a special license from the city that could impose conditions for traffic management.

Ms. Kessler noted that the available parking on site exceeds what is required.

Ms. Kessler stated that a portion of this site is within the Shoreland Water Quality Protection District for Ash Swamp Brook and a Shoreland Protection Permit might be required from NHDES – this is also recommended as a condition of approval.

Ms. Kessler noted that the applicant has revised the plan with reference to the fence, which is now going to be a post and rope fence, which would be more consistent with the proposed pavilion and stage. She noted the existing building resembles that of an industrial building (brick building with metal siding). The pavilion and stage will be entirely out of view from Bradco Street and would not detract from the existing architecture of this site.

This concluded staff comments.

The Chairman asked for public comments. Mr. Bergeron stated they did have a conversation with the DMV regarding the use of the property. The applicant is in the process of renegotiating a lease for this site and in that lease there is a clause where the applicant could notify DMV when there is an event and DMV on that day will not have use of the property.

Mayor Hansel commended the project and thanked the applicant for making this investment in Keene.

C. Board Discussion and Action

A motion was made by Mayor George Hansel that the Planning Board approve SPR-03-17 Mod. 3, including a waiver from Development Standard 10 - Lighting, as shown on the plan set identified as "Modification to SPR-03-17 Proposed Open Pavilion and Stage Branch and Blade Brewing 17 Bradco Street, Keene, NH 03431" prepared by Monadnock Land Planning on March 20, 2020 and revised April 13, 2020, and as shown on the architectural elevations identified as "Open Pavilion and Stage" dated March 20, 2020 at a scale of 1/4" equals 1' with the following findings and conditions:

Findings:

1. The Applicant has stated that, for larger sized-events, the Applicant/owner will obtain a Special Event License from the City of Keene and commits to undertaking any requirements the City may deem necessary for licensure of special events, including those related to traffic safety and management.
2. The parking lot at 17 Bradco St is currently used by the DMV for motorcycle training/testing. The applicant has stated that the Owner of the property at 17 Bradco St will coordinate with the Applicant/owner of Branch and Blade to ensure there will not be conflicts between outdoor events hosted by the brewery and trainings conducted by the DMV.

Conditions:

1. Prior to signature by Planning Board Chair:
 1. Owner's signature appears on plan.
 2. Architect's stamp appears on the architectural elevations.
2. Prior to the issuance of a building permit:
 - a. The Applicant will demonstrate, through the submission of a Floodplain Development Permit, that the proposed work is above the NFIP base flood elevation. The Applicant will be required to provide compensatory storage per Sections 56-65 and 56-66 of the City Code of Ordinances, if it is determined that the proposed work is subject to the Floodplain Ordinance and would result in an increase in base flood elevation.
 - b. Submission of an approved Shoreland Permit from NH DES, if required.

The motion was seconded by Pamela Russell Slack and was unanimously approved.

IV. Community Development Director Report

Mr. Lamb thanked the Board for their flexibility for participating in this type of remote Meeting. He also thanked staff for their effort.

V. New Business

VI. Upcoming Dates of Interest

- Joint PB/PLD Committee – May 11; 6:30 PM MAY HAVE TO MOVE FOR BUDGET MTGS.
- Planning Board Steering Committee – May 12; 11:00 AM
- Planning Board Site Visits – May 20; 8:00 AM – To Be Confirmed
- Planning Board Meeting – TUESDAY, May 26; 6:30 PM

The meeting adjourned at 7:50 PM.

Respectfully submitted,
Krishni Pahl, Minute Taker

Reviewed by Tara Kessler, Senior Planner